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# Fax Cover Sheet


**Date:** 03 Feb 2003

<b>To:</b> Muna Abu-Shaar	<b>From:</b> Jessica H. Roark
<b>Application/Control Number:</b> 09/509,283	<b>Art Unit:</b> 1644
<b>Fax No.:</b> 212 699-0370	<b>Phone No.:</b> (703) 605-1209
<b>Voice No.:</b> 212-790-9090	<b>Return Fax No.:</b> (703) 746-5174
<b>Re:</b> 09/509,283 (docket # 7853-215)	<b>CC:</b>
<input type="checkbox"/> <b>Urgent</b>	<input type="checkbox"/> <b>For Review</b>
<input type="checkbox"/> <b>For Comment</b>	<input type="checkbox"/> <b>For Reply</b>
<input type="checkbox"/> <b>Per Your Request</b>	

**Comments:**

Please see the attached courtesy copy of Paper No. 33.  
An Official Copy will follow via regular mail.

I can be reached at 703 605-1209 if you have any questions.

  
Jessica Roark  
Patent Examiner  
Art Unit 1644  
Technology Center 1600  
February 3, 2003

**Number of pages** 5 **including this page**

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09/509283

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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Roark

ART UNIT	PAPER
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1644

33

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Please see the attached communication and PTO-892 form.

Art Unit: 1644

1. Applicant's amendment after final, filed 1/14/03, has been entered.

Claims 76, 83, 86 and 99 have been amended.

Claims 71-76, 78-83, 85-86 and 88-148 are pending.

2. The following is a statement of reasons for the indication of allowable subject matter: Applicant's amendment after final, filed 1/14/03, has obviated the rejections and objections of record in Paper No. 31.

*Accordingly, claims 71-76, 78-83, 85-86 and 88-148 are indicated to be allowable.*

3. The following art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2002/0156242, Tamatani et al.

US 2002/0151685, Tamatani et al., and

US 2002/0115831, Tamatani et al.

In each reference antibodies to a human JTT-1 polypeptide are disclosed and claimed. The human JTT-1 polypeptide as set forth in SEQ ID NO:2 of each reference is identical to the 8F4 polypeptide as set forth in SEQ ID NO:2 of the instant application.

It is noted that none of the cited references are available as prior art under 35 USC 102(a), 35 USC 102(b) or 35 USC 102(e) because the instant claims have an effective U.S. filing date of September 23, 1998, and appear to be supported in Applicant's foreign priority document DE 19741929.1, having a filing date of September 23, 1997.

4. The following allowable claim directed to a separate patentable invention from the claims indicated to be allowable above is suggested for the purpose of an interference:

-- A human 8F4 polypeptide, wherein said 8F4 polypeptide:

a) is an inducible T cell costimulatory molecule;

b) occurs on two-signal-activated human T lymphocytes;

c) exhibits a molecular weight of about 55 to 60 kilodaltons as determined by non-reducing sodium dodecyl sulphate polyacrylamide gel electrophoresis (SDS-PAGE);

d) is a dimer of two peptide chains exhibiting molecular weights of about 27 kilodaltons and 29 kilodaltons, as measured by reducing SDS-PAGE; and

e) is recognized by the antibody deposited with the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH ("DSMZ") and assigned accession no. DSM ACC2539. --

The additionally suggested claim must be copied exactly, although other claims may be proposed under 37 CFR 1.605(a).

Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to make this additionally suggested claim. Failure to do so will be considered a disclaimer of the subject matter of this claim under the provisions of 37 CFR 1.605(a), but will not result in abandonment of this application. THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

**Claims 71-76, 78-83, 85-86 and 88-148 are considered unpatentable over this additionally suggested claim.**

Art Unit: 1644

**5. Applicant's attention is called to the following with respect to the claim suggested above:**

The time limit for presenting the suggested claim IS NOT EXTENDABLE as the provisions of 37 CFR 1.136 do not apply.

Failure to present the suggested claim will result in disclaimer of this subject matter, and, as per MPEP 2305.01, will provide a basis for a rejection of claims 71-76, 78-83, 85-86 and 88-148 under 35 USC 102(g)/103.

Applicant's attention is directed to sections 2305-2305.02 of the MPEP and to 37 CFR 1.605.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Roark, whose telephone number is (703) 605-1209. The examiner can normally be reached Monday to Friday from 8:00 to 4:30. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached at (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Jessica Roark, Ph.D.  
Patent Examiner  
Technology Center 1600  
February 3, 2003

PHILLIP GAMBEL  
PHILLIP GAMBEL, PH.D  
PRIMARY EXAMINER  
TECH CENTER 1600  
2/3/03